

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) MEGAN CAPEL, Administratrix,	)	
of the Estate of Terral Brooks	)	
Ellis, II, Deceased,	)	
(2) TERRAL B. ELLIS, SR., and	)	
(3) SHELLY BLISS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. CIV-17-325-JED-FHM
	)	
(1) OTTAWA COUNTY BOARD OF	)	
COUNTY COMMISSIONERS,	)	
et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION AND BRIEF TO RESET SETTLEMENT CONFERENCE**

This is an inmate death case. Decedent Terrall Ellis was incarcerated in the Ottawa County Jail from October 10-22, 2015. Decedent died at Integris Baptist Regional Hospital in Miami, OK, following his transport there from the Ottawa County Jail. Plaintiffs contend that the Decedent was not provided adequate medical care in the Ottawa County Jail and thereafter and that such inadequate medical care caused Decedent's death. The Plaintiffs have sued multiple Defendants: some are current or former employees or elected officials of Ottawa County, others are medical providers associated with Integris Baptist Regional Hospital.

On April 24, 2019, the Court set this case for a settlement conference on September 19, 2019 with Adjunct Settlement Judge Frank Frasier (Doc. 83). However, counsel for Defendants Board, Durborow and Harding will be out of state for her son's wedding from September 18-21, 2019, so she is unable to attend a Settlement Conference in this case on these dates. The Court's Order requires lead counsel to

attend. So, she requests that the Settlement Conference be reset for a different date. Counsel for Defendants Integris Miami EMS, Jennifer Grimes and Kent Williams has advised the undersigned that he is reluctant to move the settlement conference from September 19, 2019 due to his schedule in September through November 2019. All other counsel have no objection to moving the settlement conference to a different date.

Additionally, counsel for Defendants Board, Durborow, Harding, Bray, Shoemaker, and Horn (hereinafter referred to as the County Defendants) respectfully request that the Court assign a Settlement Judge to this case OTHER THAN Frank Frasier, the Adjunct Settlement Judge presently assigned to handle the September 19, 2019 settlement conference. Counsel for the County Defendants are currently in litigation in the Eastern District of Oklahoma with Mr. Frasier's firm, in a case that is similar in nature to this case, where discovery disputes have arisen that required the Court's intervention and which resulted in a ruling adverse to the position taken by Mr. Frasier's firm, and the County Defendants' attorneys believe that a settlement conference in this case will not be productive if Mr. Frasier is the Adjunct Settlement Judge. Neither counsel for Defendants Integris Miami EMS, Jennifer Grimes and Kent Williams nor Plaintiff's counsel are opposed to this request.

In sum, the undersigned requests that the September 19, 2019 settlement conference be moved to a different date. Also, the County Defendants request a Settlement Judge OTHER THAN Frank Frasier be assigned to handle the settlement conference in this case. A proposed Order is being submitted with this Order.

Respectfully submitted,

s/ Ambre C. Gooch

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FLOYD, TERRY DURBOROW AND  
JEFFREY HARDING

**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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